



February 26, 2014

ENGROSSED HOUSE BILL No. 1141

DIGEST OF HB 1141 (Updated February 24, 2014 8:51 pm - DI 106)

Citations Affected: IC 5-2; IC 10-11; IC 13-14; IC 32-21.

Synopsis: Methamphetamine lab disclosure in property sales. Provides that the state police department (and not the Indiana criminal justice institute) maintains the methamphetamine laboratory web site (web site). Provides that a property used for the manufacture of methamphetamine may not be placed on the web site until 180 days after the methamphetamine laboratory is reported to the state police department, and specifies that the state police department is not required to place a property on the web site if it was decontaminated before being placed on the web site. Provides that a property must be removed from the web site not later than 90 days after the property has been certified decontaminated by an approved inspector, and not later than five days after the commencement of a certified decontamination operation if certain conditions are met. Removes the distinction between rental property and other property. Makes other changes.

Effective: July 1, 2014.

McNamara, Ober, Kubacki, Macer
(SENATE SPONSOR — HEAD)

January 9, 2014, read first time and referred to Committee on Government and Regulatory Reform.

January 28, 2014, amended, reported — Do Pass.

January 30, 2014, read second time, amended, ordered engrossed.

January 31, 2014, engrossed.

February 3, 2014, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 10, 2014, read first time and referred to Committee on Civil Law.

February 25, 2014, amended, reported favorably — Do Pass.

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February 26, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1141

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.85-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 3. The institute is established to do the following:
4 (1) Evaluate state and local programs associated with:
5 (A) the prevention, detection, and solution of criminal
6 offenses;
7 (B) law enforcement; and
8 (C) the administration of criminal and juvenile justice.
9 (2) Improve and coordinate all aspects of law enforcement,
10 juvenile justice, and criminal justice in this state.
11 (3) Stimulate criminal and juvenile justice research.
12 (4) Develop new methods for the prevention and reduction of
13 crime.
14 (5) Prepare applications for funds under the Omnibus Act and the
15 Juvenile Justice Act.
16 (6) Administer victim and witness assistance funds.

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(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

~~(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.~~

~~(14)~~ (13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

~~(15)~~ (14) Identify grants and other funds that can be used to fund the gang crime witness protection program.

~~(16)~~ (15) Administer any sexual offense services.

~~(17)~~ (16) Administer domestic violence programs.

~~(18)~~ (17) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

~~(19)~~ (18) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

~~(20)~~ (19) Administer the family violence and victim assistance fund under IC 5-2-6.8.

SECTION 2. IC 5-2-6-19, AS ADDED BY P.L.186-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) As used in this section, "~~institute~~" "~~department~~" refers to the ~~Indiana criminal justice institute established by section 3 of this chapter.~~ **state police department.**

(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.

(c) Subject to specific appropriation by the general assembly, the ~~institute~~ **department** shall establish, maintain, and operate a web site containing a list of properties that have been used as the site of a



methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) Subject to specific appropriation by the general assembly, and in accordance with subsections ~~(h) and (i)~~, **(g) and (h)**, the **institute department** shall publish the list of properties that have been used as the site of a methamphetamine laboratory on a web site maintained by the **institute department**. The **institute department** shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory. ~~The web site shall be referred to as the "methamphetamine laboratory web site".~~

(e) ~~Except as provided in subsection (h), the institute department shall remove a listed property from the web site not later than ninety (90) days after the property has been certified as decontaminated by an inspector approved under IC 13-14-1-15. or not more than two (2) years after the date the methamphetamine laboratory was seized by a law enforcement agency.~~

(f) ~~Notwithstanding subsection (e),~~ If property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 before it is placed on the list required under subsection (c), the **institute may not department is not required to** place the property on the list.

(g) ~~Records concerning a listed property that has been removed from the web site under subsection (e) are confidential.~~

~~(h) (g) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute department may not list a rental unit property that has been used as the site of a methamphetamine laboratory on the web site until the one hundred eighty (180) days after the date on which the department receives information from a law enforcement agency that the property has been the site of a methamphetamine laboratory. later of the following:~~

~~(1) Thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; if the owner or operator of the rental property has not provided documentation to the institute showing:~~

~~(A) that the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and~~

~~(B) that the owner or operator has begun the process of decontaminating the property.~~

~~(2) If the owner or operator of the rental unit provides the~~



documentation described in subdivision (1)(A) and (1)(B) not later than thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; one hundred eighty (180) days after the date on which the institute receives information from a law enforcement agency that the rental unit has been the site of a methamphetamine laboratory.

However, if the owner or operator provides documentation to the institute within the appropriate time period described in subdivision (1) or (2) that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory, the institute may not list the property on the web site.

(i) (h) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The **institute department** shall remove a **rental unit property** listed on the web site not more than five (5) days after receiving documentation from the owner or operator of the **rental** property that:

(1) the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(2) that the owner or operator has begun the process of decontaminating the property.

The **institute department** shall relist the **rental unit property** on the web site not less than one hundred ~~fifty (150)~~ **eighty (180)** days after receiving documentation described in subdivisions (1) and (2), unless the owner or operator of the **rental** property provides documentation to the **institute department** that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory.

SECTION 3. IC 10-11-2-31.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 31.1. (a) The superintendent shall adopt:**

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both; for receiving an approved certificate of cleanup from the department of environmental management that property used for the manufacture of methamphetamine or polluted by waste from the manufacture of methamphetamine has been certified as



1 decontaminated by an inspector approved under IC 13-14-1-15.

2 (b) Guidelines adopted under this section must require that the
3 department remove, in accordance with the time periods described
4 in IC 5-2-6-19, the decontaminated property from any publicly
5 available list of methamphetamine contaminated properties
6 compiled or made available by the department.

7 SECTION 4. IC 13-14-1-15, AS ADDED BY P.L.192-2005,
8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2014]: Sec. 15. (a) The department shall maintain a list of
10 persons certified to inspect and clean property that is polluted by a
11 contaminant. The list may specifically note persons with particular
12 expertise or experience in the inspection or cleanup of property
13 contaminated by chemicals used in the illegal manufacture of a
14 controlled substance (as defined in IC 35-48-1-9) or by waste produced
15 from the illegal manufacture of a controlled substance.

16 (b) The department may specify by rule that a person who meets
17 certain qualifications prescribed by the department is a person certified
18 to inspect and clean property that is polluted by a contaminant.

19 (c) The department shall specify by rule that any person:

- 20 (1) certified under this section to inspect and clean
21 contaminated property; and
22 (2) who has decontaminated property polluted by the
23 manufacture of methamphetamine or by waste from the
24 manufacture of methamphetamine;

25 shall notify the department when the person has decontaminated
26 a property polluted by the manufacture of methamphetamine or by
27 waste from the manufacture of methamphetamine.

28 (c) (d) The department shall adopt rules under IC 4-22-2:

- 29 (1) to implement this section; and
30 (2) concerning the inspection and remediation of contaminated
31 property.

32 SECTION 5. IC 32-21-5-7, AS AMENDED BY P.L.159-2011,
33 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2014]: Sec. 7. The Indiana real estate commission established
35 by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains
36 the following:

- 37 (1) Disclosure by the owner of the known condition of the
38 following:
39 (A) The foundation.
40 (B) The mechanical systems.
41 (C) The roof.
42 (D) The structure.



- 1 (E) The water and sewer systems.
- 2 (F) Additions that may require improvements to the sewage
- 3 disposal system.
- 4 (G) Other areas that the Indiana real estate commission
- 5 determines are appropriate.
- 6 (2) Disclosure by the owner of known:
- 7 (A) contamination caused by the manufacture of a controlled
- 8 substance on the property that has not been certified as
- 9 decontaminated by an inspector approved under
- 10 IC 13-14-1-15; or
- 11 **(B) manufacture of methamphetamine or dumping of**
- 12 **waste from the manufacture of methamphetamine in a**
- 13 **residential structure on the property.**
- 14 (3) A notice to the prospective buyer that contains substantially
- 15 the following language:
- 16 "The prospective buyer and the owner may wish to obtain
- 17 professional advice or inspections of the property and provide for
- 18 appropriate provisions in a contract between them concerning any
- 19 advice, inspections, defects, or warranties obtained on the
- 20 property.".
- 21 (4) A notice to the prospective buyer that contains substantially
- 22 the following language:
- 23 "The representations in this form are the representations of the
- 24 owner and are not the representations of the agent, if any. This
- 25 information is for disclosure only and is not intended to be a part
- 26 of any contract between the buyer and owner.".
- 27 (5) A disclosure by the owner that an airport is located within a
- 28 geographical distance from the property as determined by the
- 29 Indiana real estate commission. The commission may consider the
- 30 differences between an airport serving commercial airlines and an
- 31 airport that does not serve commercial airlines in determining the
- 32 distance to be disclosed.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.85-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- (12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.
- ~~(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list~~



of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.

~~(14)~~ **(13)** Develop and manage the gang crime witness protection program established by section 21 of this chapter.

~~(15)~~ **(14)** Identify grants and other funds that can be used to fund the gang crime witness protection program.

~~(16)~~ **(15)** Administer any sexual offense services.

~~(17)~~ **(16)** Administer domestic violence programs.

~~(18)~~ **(17)** Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

~~(19)~~ **(18)** Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

~~(20)~~ **(19)** Administer the family violence and victim assistance fund under IC 5-2-6.8.

SECTION 1. IC 5-2-6-19, AS ADDED BY P.L.186-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) As used in this section, ~~"institute"~~ **"department"** refers to the ~~Indiana criminal justice institute established by section 3 of this chapter.~~ **state police department.**

(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.

(c) Subject to specific appropriation by the general assembly, the ~~institute~~ **department** shall establish, maintain, and operate a web site containing a list of properties that have been used as the site of a methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) Subject to specific appropriation by the general assembly, ~~and in accordance with subsections (h) and (i);~~ the ~~institute~~ **department** shall publish the list of properties that have been used as the site of a methamphetamine laboratory on a web site maintained by the ~~institute.~~ **department.** The ~~institute~~ **department** shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory. ~~The web site shall be referred to as the "methamphetamine laboratory web site".~~

(e) The ~~institute~~ **department** shall remove a listed property from the web site ~~ninety (90) days~~ **ninety (90) days** after the property has been certified as decontaminated by an inspector approved under IC 13-14-1-15. ~~or not more than two (2) years after the date the methamphetamine laboratory was seized by a law enforcement agency.~~

~~(f) Notwithstanding subsection (e);~~ if property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 before



it is placed on the list required under subsection (c); the institute may not place the property on the list.

(g) Records concerning a listed property that has been removed from the web site under subsection (c) are confidential.

(h) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute may not list a rental unit that has been used as the site of a methamphetamine laboratory on the web site until the later of the following:

(1) Thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; if the owner or operator of the rental property has not provided documentation to the institute showing:

(A) that the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(B) that the owner or operator has begun the process of decontaminating the property.

(2) If the owner or operator of the rental unit provides the documentation described in subdivision (1)(A) and (1)(B) not later than thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; one hundred eighty (180) days after the date on which the institute receives information from a law enforcement agency that the rental unit has been the site of a methamphetamine laboratory.

However, if the owner or operator provides documentation to the institute within the appropriate time period described in subdivision (1) or (2) that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory; the institute may not list the property on the web site.

(i) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute shall remove a rental unit listed on the web site not more than five (5) days after receiving documentation from the owner or operator of the rental property that:

(1) the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(2) that the owner or operator has begun the process of decontaminating the property.



The institute shall relist the rental unit on the web site not less than one hundred fifty (150) days after receiving documentation described in subdivisions (1) and (2); unless the owner or operator of the rental property provides documentation to the institute that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory."

Page 1, line 7, delete "a report" and insert "**an approved certificate of cleanup from the department of environmental management**".

Page 1, line 12, delete "thirty (30)" and insert "**ninety (90)**".

Page 2, line 18, delete ", in accordance with guidelines adopted by the state police" and insert "**notify the**".

Page 2, delete line 19.

Page 2, run in lines 18 through 20.

Page 3, line 3, delete "; or"

Page 3, delete lines 4 through 7.

Page 3, line 9, delete "." and insert "; **or**".

Page 3, run in lines 3 through 9.

Page 3, between lines 9 and 10, begin a new line double block indented and insert:

"(B) manufacture of methamphetamine or dumping of waste from the manufacture of methamphetamine in a residential structure on the property."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1141 as introduced.)

MAHAN, Chair

Committee Vote: yeas 12, nays 0.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1141 be amended to read as follows:

- Page 3, line 4, reset in roman "and".
- Page 3, line 5, reset in roman "in accordance with subsections".
- Page 3, line 5, after "(i)," insert "**(f) and (g),**".
- Page 3, reset in roman lines 23 through 42.
- Page 3, line 23, strike "(h)" and insert "**(f)**".
- Page 4, reset in roman lines 1 through 25.
- Page 4, line 10, strike "(i)" and insert "**(g)**".

(Reference is to HB 1141 as printed January 28, 2014.)

MCNAMARA

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill No. 1141, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- Page 3, line 5, delete "(f) and (g)," and insert "**(g) and (h),**".
- Page 3, line 13, after "(e)" delete "The" and insert "**Except as provided in subsection (h),** the".
- Page 3, line 14, after "site" insert "**not later than**".
- Page 3, line 18, reset in roman "(f)".
- Page 3, line 18, delete "if" and insert "If".
- Page 3, line 18, reset in roman "property has been certified as".
- Page 3, reset in roman line 19.
- Page 3, line 20, reset in roman "it is placed on the list required under subsection (c), the".
- Page 3, line 21, after "not" insert "**department is not required to**".
- Page 3, line 21, reset in roman "place the property on the list".
- Page 3, line 24, delete "(f)" and insert "**(g)**".
- Page 3, line 24, strike "This subsection only applies to a rental unit (as defined in".
- Page 3, line 25, strike "IC 32-31-3-8)".
- Page 3, line 25, strike "institute" and insert "**department**".
- Page 3, line 25, strike "rental unit" and insert "**property**".
- Page 3, line 26, after "until" strike "the" and insert "**one hundred eighty (180) days after the date on which the department receives**

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information from a law enforcement agency that the property has been the site of a methamphetamine laboratory."

Page 3, strike lines 27 through 42.

Page 4, strike lines 1 through 10.

Page 4, line 11, delete "(g)" and insert "**(h)**".

Page 4, line 11, strike "This subsection only applies to a rental unit (as defined in".

Page 4, line 12, strike "IC 32-31-3-8).".

Page 4, line 12, strike "institute" and insert "**department**".

Page 4, line 12, strike "rental unit" and insert "**property**".

Page 4, line 14, strike "rental".

Page 4, line 20, strike "institute" and insert "**department**".

Page 4, line 20, strike "rental unit" and insert "**property**".

Page 4, line 21, strike "fifty (150)" and insert "**eighty (180)**".

Page 4, line 22, strike "rental".

Page 4, line 23, strike "institute" and insert "**department**".

Page 4, line 39, delete ", not later than ninety (90) days after receipt of" and insert "**, in accordance with the time periods described in IC 5-2-6-19,**".

Page 4, line 40, delete "a report described in subsection (a),".

and when so amended that said bill do pass.

(Reference is to HB 1141 as reprinted January 31, 2014.)

ZAKAS, Chairperson

Committee Vote: Yeas 6, Nays 0.

